

REMARKS

Claims 39 and 65 are amended, and claims 1, 3-9, 11, 13-22, 24, 26-34, 36-43, and 63-66 are pending in the present application. No new matter is introduced. Applicants wish to thank the Examiner for allowing claims 1, 3-9, 11, 13-22, 24, 26-34, 36-43, 63 and 66, and for taking the time to conduct an interview on March 6, 2008 with Applicants' undersigned representative. During the interview, allowability of claim 65 was discussed based on incorporation of the feature of a high-pressure fluid assembly coupled to the cutting head, the high-pressure fluid assembly having a swivel operable to rotate about two axes. The Examiner agreed to contact Applicants' undersigned representative by telephone if any issues arise with allowability of claim 65. In particular, claim 65 is amended to include the high-pressure fluid assembly having a swivel operable to rotate about two axes, which feature the Examiner has suggested in the past to contribute to allowability of other claims, for example, claim 37.

Claim 39 is amended to correct an informality, therefore, Applicants respectfully submit that claim 39 is allowable.

Claim 64 is rejected as being obvious over U.S. Patent No. 6,126,524, to Shepherd, in view of U.S. Patent No. 3,978,748, to Leslie et al (hereinafter, "Leslie"). Claim 64 recites, *inter alia*, "the position sensor being provided with a tip that is angled toward an end of the mixing tube, an end region of the tip being adjacent the end of the mixing tube." (Emphasis added). In contrast, Leslie fails to teach a sensor tip angled toward an end of the mixing tube. In the Office Action, it is asserted that Leslie teaches "a position sensor coupled to the clamp adjacent the cutting head assembly (49) ... with a tip that is angled toward an end of the mixing tube (51)." Office Action, p. 3.

However, in Leslie, item 49 is a sensor and item 51 is a retractable sensor probe of the sensor 49. In Leslie, the nozzle from which fluid exits toward the work piece is identified by reference numeral 44. Leslie states, "[a]ttached to the nozzle is sensor 49 which has an extending probe 51. The probe is lowered, as shown at 51', and the nozzle assembly is lowered by hydraulic piston assembly 53-55." Leslie, column 4, lines 61-64; *see* Leslie, Figure 5. Leslie continues to describe the operation of the sensor 49 and probe 51 by stating that when the probe senses the work piece, the piston action stops and the nozzle is positioned at a predetermined

distance above the work piece, and the probe 51 retracts back into sensor 49. Leslie, column 4, line 65, to column 5, line 3; *see* Figure 5.

Accordingly, for the sensor 49 and its probe 51 to operate as intended in Leslie, the probe cannot be angled because the retractable probe 51 extends parallel to the longitudinal axis of the nozzle 44 and perpendicular to the surface of the work piece, as is shown in Figure 5 of Leslie. Therefore, Applicants respectfully submit that claim 64 is allowable.

Based on the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Nima A. Seyedali/
Nima A. Seyedali
Registration No. 61,293

LL/NAS:jrh

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1125134_1.DOC